

MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, December 30, 2003  
Tuesday, 10:30 A.M.

The City Council met in regular session with Mayor Mayans in the Chair. Council Members Brewer, Fearey, Gray, Lambke, Martz, Schlapp; present.

Chris Cherches, City Manager; Joe Lang, Law Department; Karen Schofield, City Clerk; present.

The Minutes of the regular meeting of December 16, 2003, were approved 7 to 0.

UNFINISHED BUSINESS

**UNATTENDED VEH. ORDINANCE AMENDING OR REPEALING SECTION 11.52.060 OF THE CODE OF THE CITY OF WICHITA, KANSAS, PERTAINING TO THE VIOLATION OF ALLOWING A MOTOR VEHICLE TO REMAIN RUNNING, WHILE UNATTENDED.**

Joe Lang

Law Department reviewed the item.

Agenda Report No. 03-1302a.

On December 2, 2003, the City Council agenda included an amendment of Section 11.52.060 to allow remote starter systems to be used. However, the Council voted to repeal ordinances that prohibited a person from allowing a motor vehicle to be left with the engine running and unattended.

The subject matter of Sub-Section (a) of Section 11.52.060 pertains to unattended vehicles. It is necessary to repeal the existing provisions of Sub-Section (a), in accordance with the City Council's direction. It should be noted that Subsection (b) of Section 11.52.60 does not pertain to unattended vehicles, but does pertain to prohibitions on parking semi trailers in alleys and on streets. Since the City Council's direction was to repeal the unattended vehicle provisions, the provisions of Sub-Section (b) are not repealed and remain in effect as new Sub-Section (a).

Upon repeal of Sub-Section (a) of the ordinance, no citations for violation pertaining to unattended vehicles may be written through Wichita Municipal Court. Enforcement of this violation will be pursuant to state statute, and any fines and court costs collected for violation, will be payable to the state.

Council Member Gray

Council Member Gray explained that he originally supported repealing this ordinance and that you cannot protect everyone by enforcing this law. Stated that this is a discretionary law and that an individual should have the right to warm up their car while locked during the winter months.

Motion--  
--carried

Gray moved to adopt the December 16, 2003, Repealing Ordinance on second reading. Motion carried 6 to 1. Fearey-No.

ORDINANCE NO. 45-963

An Ordinance amending Section 11.52.060 of the Code of the City of Wichita, Kansas, pertaining to leaving unattended vehicle and repealing the original of said section, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 1. Yeas: Brewer, Gray, Lambke, Martz, Schlapp, Mayans. Fearey-No.

Motion--carried

Mayans moved to take up an off agenda item. Motion carried 7 to 0.

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Mayor Mayans Mayor Mayans reported that this is the last meeting for the City Manager, Chris Cherches, and that he and the Council Members would like to recognize him for his service to the community over the last 18 years.

Motion-- Mayans moved to recess for 20 minutes for a reception to honor Susan and Chris Cherches. Motion  
--carried carried 7 to 0.

Mayor Mayans Mayor Mayans called the meeting back to order.

Council Member Brewer momentarily absent.

## NEW BUSINESS

### **RADIO MAINT. RADIO MAINTENANCE FEE REQUEST.**

Motion--carried Schlapp moved to defer this item. Motion carried 6 to 0. Brewer absent.

### **RIVER IMP. RIVER IMPROVEMENT CORRIDOR.** **CORRIDOR**

Chris Cherches City Manager reviewed the item.

Agenda Report No. 03-1395

The River Corridor Project is the last remaining improvement project in the Downtown Improvement (RTKL/DeBoer) Plan that was adopted by the City Council in 1989. Since then, various actions have been taken by the City Council relating to the River Corridor improvement project. In June 1999, the Council authorized Law/Kingdon to provide architectural services associated with riverbank project. The firm developed the Wichita River Corridor Improvement Plan that was later approved by the City Council. This Plan outlined various components of the project – extending from Kellogg to just beyond Cowtown. In 2001, the Council approved the HNTB Corporation design of two cable-stayed pedestrian bridges linking the Keeper of the Plains to both the east and west banks of the river, crossing the Arkansas and Little Arkansas Rivers.

The River Corridor Improvement Project is one of the most significant redevelopment projects for the City of Wichita. It has remained on the list of “projects yet to do” to accomplish the overall adopted Downtown Improvement Plan. Over the past years, previous City Councils have accumulated and established the funding to complete this last remaining project in the 1989 Plan.

The project is divided in to several phases as defined below.

Phase I A extends from the First/Second Street Bridges to Central (Little Arkansas) and Seneca Street (Big Arkansas) bridges. It includes a portion of the south bank to the west of Exploration Place, the two pedestrian bridges to the Keeper, the Keeper and the work along the east bank from Central to First Street. Negotiations have been on going with Westar for the needed property. Negotiations for this land is expected to be completed in January 2004 and available for the letting of this phase of the project.

Phase 1 B is the amphitheater site. This work includes construction of the amphitheater, the west bank promenade between Second and Douglas and the Chisholm Trail/McLean Memorial Fountain area. Private funding of \$5.0 million is being sought for this project in exchange for the naming rights of this important riverside entertainment facility.

Phase 1 C is for the East Bank Promenade-opposite the amphitheater behind the Broadview Hotel. Management of the Hotel has agreed to donate the riverfront property for this phase of the project to be completed.

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Phase 2 encompasses the west bank of the Arkansas River from Douglas to just south of Kellogg at Taft. Phase 3 is referred to as the Upper Reach, extending from the Seneca Street Bridge to Sim Park on the north bank of the River.

The River Corridor project includes funding (\$5.0 million) from the anticipated (amphitheater) private sector and \$2 million in Federal Transportation grants. The remaining funding has been programmed in prior and current CIP budgets. To date, \$4.4 million has been expended on the overall River Corridor Plan design, constructed pathways, and improvements to the exterior of Lawrence Dumont Stadium, including the City's portion of the Walk of Fame project completed in 2002. Additionally, \$1.9 million was transferred to the Eastbank WaterWalk Development Project.

Previous City Council actions and approvals have obligated \$15.3 million (including grant funding) toward the River Corridor Project. To complete the river project, an additional \$9.7 million remains to be obligated.

The Law Department will approve the amended bonding resolution as to form.

- |                        |  |
|------------------------|--|
| Council Member Martz   | Council Member Martz stated that the amphitheater will be paid for by private funding and if the Council approves this today and the private funding does not come through, the City of Wichita will be left paying for it. Stated that he is concerned with approving a project before the money is in hand.  |
| Chris Cherches         | Chris Cherches explained that the City would not want to proceed with the building of the amphitheater until the money is in hand but that the Council could approve the amphitheater at a later time.   |
| Council Member Gray    | Council Member Gray stated that he is impressed with what he has seen and would like to see this project approved so that it can move forward.   |
| Mayor Mayans           | Mayor Mayans inquired whether anyone wished to be heard.   |
| Cybil Strum            | Ms. Strum stated that she is not in favor of this project and that there were citizens who voted against this project. Stated that nobody uses the West Bank Stage and that the Exploration Place is too expensive for most people.  |
| Ed Wolverton           | Mr. Wolverton stated that he is here today to express his support for this project. Stated that several important aspects are that it would preserve public access to our river corridor; it would be a starting point in cleaning up the river; it would link neighborhoods and communities together and link several different cultural attractions.                                   |
| Vernon Altone          | Mr. Altone stated that he is with the Mid American Indian Center and he is asking that the Council consider bringing in more participation from the Native American Indian Community. Stated that he thinks this project is something that the Native American Indian Community will support and asked that the Council remember that there is a sacredness to the Keeper of the Plains. |
| Lonny Wright           | Mr. Wright stated that the City should finish the vision and that this project would bring in more jobs and would make the City more attractive to the companies that produce new jobs, which can directly impact our city.  |
| Council Member Lambke  | Council Member Lambke stated that he will be voting no on this item--not because he is against beautification of the City but because there are too many needs of the citizens of Wichita that are unmet. Stated that there are people in his district that are still waiting for flood relief.  |
| Council Member Schlapp | Council Member Schlapp stated that if you invest in the City it improves the quality of life and the tax base. Stated that she feels this project is a good investment.  |

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Council Member Martz Council Member Martz stated that he agrees with Council Member Lambke regarding the flooding problems and is also concerned with the monies that are available for this project. Stated that he would like to see the beautification but cannot support this until other issues are addressed.

Motion-- Mayans moved that the bonding resolution be amended and the bids for the project be authorized.  
--carried Motion carried 5 to 2. Lambke and Martz-No.

## RESOLUTION NO. 03-671

A Resolution for the River Improvement Corridor, presented. Mayans moved that the Resolution be adopted. Motion carried 5 to 2. Yeas: Brewer, Fearey, Gray, Schlapp, Mayans. Lambke and Martz-No.

## CITY COUNCIL AGENDA

### BOARD APPTS.

### BOARD APPOINTMENTS.

There were no board appointments made.

## CONSENT AGENDA

Motion-- Mayans moved that the Consent Agenda be approved as consensus Items, except Item 13.  
--carried Motion carried 7 to 0.

### BOARD OF BIDS

### REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED DECEMBER 22, 2003.

PUBLIC WORKS DEPARTMENT/ENGINEERING DIVISION: Sewers, Paving and Water Mains as per specifications.

Traffic Signalization - Phase II, at Gold & MacArthur (472-83609/710216 /231078). Traffic to be maintained during construction using flagpersons and barricades. (District IV)

Sims Electric - \$65,365.00

Water Line Relocation for Harry and McLean Intersection (448-89830/636127/773523). Traffic to be maintained during construction using flagpersons and barricades. (District IV)

Mies Construction - \$35,715.00

Motion-- Mayans moved that the contract(s) be awarded as outlined above, subject to check, same being the  
--carried lowest and best bid within the Engineer's construction estimate, and the and the necessary signatures be authorized. Motion carried 7 to 0.

FINANCE DEPARTMENT-IT/IS DIVISION: New Redundant PIX Firewall.

Business Computer Center - \$13,732.43 (Total net bid/Group 1)

FINANCE DEPARTMENT-IT/IS DIVISION: Fiber Optic Installation City Hall – CII.

Wichita Electric Co. Inc. - \$29,518.00 (Total net bid/Group 1)

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FINANCE DEPARTMENT-IT/IS DIVISION: Data & Voice Wiring for Sixth Floor/Police.

Wichita Electric Co. Inc. - \$11,945.00 (Total net bid/Group 1)

PLANNING DEPARTMENT: Scanner.

Imaging Solutions Company - \$9,232.00\* (Total net bid/Group 1)

\*Accept two-year on-site warranty option.

PUBLIC WORKS DEPARTMENT/FLEET MAINTENANCE DIVISION: Tractors.

Conrady Western Inc. -\$27,580.32 (Group 1/base bid)

\$ 120.00 (Group 1/Option 1)

\$ 650.00 (Group 1/Option 2)

<\$11,000.00 Deduct> (Base bid/Group 1/Option 3)

Motion--  
--carried

Mayans moved that the contract(s) be awarded as outlined above, same being the lowest and best bid, and the necessary signatures be authorized. Motion carried 7 to 0.

## LICENSES

### RENEWAL ADULT ENTERTAINMENT

Robert Floyd

Armour Gift Shop Inc.  
dba as Priscilla's

2606 South Rock Road

Motion--  
--carried

Mayans moved that the license be approved subject to Staff review and approval. Motion carried 7 to 0.

### APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

<u>Renewal</u>	<u>2003</u>	<u>(Consumption off Premises)</u>
Jay A. Johnson	Johnson's General Stores, Inc. #06	1003 South Seneca
Jay A. Johnson	Johnson's General Stores, Inc. #39	5400 North Meridian
John J. Leeker	Checkers	1915 East Pawnee
<u>New Establishment</u>	<u>2003</u>	<u>(Consumption on Premises)</u>
Haydee Raymundo	Tacos Raymundo*	1716 West 21st Street North
<u>New Establishment</u>	<u>2003</u>	<u>(Consumption off Premises)</u>
Jayanti B. Patel	Food Mart #255	1400 North Market #A

\*General/Restaurant - 50% or more of gross receipts derived from sale of food.

Motion--  
--carried

Mayans moved that the licenses subject to Staff review and approval, be approved. Motion carried 7 to 0.

## PRELIMINARY EST. PRELIMINARY ESTIMATES:

a) 2003 Sanitary Sewer Rehabilitation Phase E (various locations) - north of 31st Street South, east of Meridian. (468-83702/620389/663510) Traffic to be maintained during construction using flagpersons and barricades. (Districts I,II,III,IV,VI) - \$203,000.00

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- b) 2003 contract maintenance preparatory curb & gutter repairs - north of 47th Street South, east of 135th Street West. (472-83742/132714/N/A) Traffic to be maintained during construction using flagpersons and barricades. (District ALL) - \$200,000.00
- c) Asphalt parking lot stalls east of Central Maintenance Facility - 1801 South McLean Boulevard. (472-83897/130807/N/A) Does not affect existing traffic. (District IV) - \$29,300.00
- d) Water distribution system to serve Tara Falls Addition - south of Harry, west of 127th Street East. (448-89880/735148/470818) Does not affect existing traffic. (District II) - \$59,000.00
- e) Lateral 357 Four Mile Creek Sewer to serve Tara Falls Addition - south of Harry, west of 127th Street East. (468-83706/744010/480698) Does not affect existing traffic. (District II) - \$90,000.00
- f) 2003 contract maintenance area concrete street repairs Phase 5 - north of Douglas, east of West Street. (472-83879/132714/131532/N/A) Traffic to be maintained during construction using flagpersons and barricades. (Districts I,II,VI) - \$240,340.00
- g) Grandview Heights water main replacement - the area bounded by Harry, Bluff, Mt. Vernon, Hillside. (448-89810/634026/773197) Traffic to be maintained during construction using flagpersons and barricades. (District II) - \$865,000.00
- h) Harry, Oliver to Woodlawn (87N-0191-01/472-83685/706852/203318) Traffic to be maintained during construction using flagpersons and barricades. (District III) - \$2,710,000.00
- i) Installation of streetlights on Waterfront Parkway between 13th Street North and Webb Road (472-82808/765809/490920) Traffic to be maintained during construction using flagpersons and barricades. (District II) - \$125,000.00
- j) 2003 contract maintenance asphalt mill & overlay Phase 2 - north of 47th Street South, east of Hydraulic. (472-83877/132714/) Traffic to be maintained during construction using flagpersons and barricades. (District II & III) - \$170,000.00
- k) Lateral 43, Main 24, War Industry Sewer to serve Waterfront Second Addition - north of 13th Street North, east of Webb. (468-83741/744021/480709) Does not affect existing traffic. (District II) - \$62,000.00
- l) Water distribution system to serve Waterfront Second Addition - north of 13th Street North, east of Webb (448-89901/735156/470826) Does not affect existing traffic. (District II) - \$54,000.00
- m) Water Supply Line to serve property along 55th Street South from Mosley to Hydraulic (448-89801/ 635648/763704) Traffic to be maintained during construction using flagpersons and barricades. (District III) - \$309,810.00
- n) Traffic signalization of Waterfront Parkway and 13th Street North to serve The Waterfront Addition - 13th Street North and Webb Road. (472-83701/765819/490930) Traffic to be maintained during construction using flagpersons and barricades. (District II) - \$120,000.00
- o) Traffic signalization of Waterfront Parkway & Webb Road to serve The Waterfront Addition - 13th Street North and Webb Road. (472-83702/765820/490931) Traffic to be maintained during construction using flagpersons and barricades. (District II) - \$120,000.00
- p) Cost of Façade Improvement Program at 100 S. Main. (472-83622/766002/491-003) (District I) – Total Estimated Cost \$49,834.00
- q) Cost of Main 6, Part F, Northwest Interceptor Sewer to serve Evergreen Addition (south of 29th Street North, west of Maize Road). (468-83705/744016/480-704) (District V) – Total Estimated Cost \$28,103.00

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- r) Cost of Main 6, Part E, Northwest Interceptor Sewer to serve an unplatted tract (north of 29th Street North, east of Maize Road). (468-83633/743993/480-681) (District V) – Total Estimated Cost \$7,550.00
- s) Cost of Main 6, Part D, Northwest Interceptor Sewer to serve Fox Ridge Addition (north of 29th Street North, between Maize and Tyler Road). (468-83680/744015/480-703) (District V) – Total Estimated Cost \$198,000.00
- t) Cost of Main 6, Part B, Northwest Interceptor Sewer to serve an unplatted tract (south of 29th Street North, west of Maize Road). (468-83618/743991/480-679) (District V) – Total Estimated Cost \$8,320.00
- u) Cost of Main 6, Part E, Northwest Interceptor Sewer to serve an unplatted tract (north of 29th Street North, east of Maize Road). (468-83633/743993/480-681) (District V) – Total Estimated Cost \$7,550.00
- v) Cost of Main 13, Part F, Sanitary Sewer #23 to serve unplatted tracts (east of Hydraulic, north of 37th Street North). (468-83458/743933/480-621) (District I) – Total Estimated Cost \$700.00
- w) Cost of Main 13, Part E, Sanitary Sewer #23 to serve unplatted tracts (east of Hydraulic, north of 37th Street North). (468-83457/743932/480-620) (District I) – Total Estimated Cost \$124,000.00
- x) Cost of Main 13, Part D, Sanitary Sewer #23 to serve unplatted tracts (east of Hydraulic, north of 37th Street North). (468-83455/743931/480-619) (District I) – Total Estimated Cost \$9,700.00
- y) Cost of Main 3, Part A, Sanitary Sewer #23 to serve unplatted tracts (west of Hillside, south of 53rd Street North). (468-83440/743928/480-616) (District I) – Total Estimated Cost \$65,000.00
- z) Cost of Main 13, Part B, Sanitary Sewer #23 to serve unplatted tracts (east of Hydraulic, north of 37th Street North). (468-83262/743929/480-617) (District I) – Total Estimated Cost \$200,000.00
- aa) Cost of Main 13, Part C, Sanitary Sewer #23 to serve unplatted tract (east of Hydraulic, north of 37th Street North). (468-83454/743930/480-618) (District I) – Total Estimated Cost \$66,800.00
- bb) Cost of Façade Improvement Program at 802 E. Douglas. (472-83607/766001/491-002) (District I) – Total Estimated Cost \$33,000.00
- cc) Cost of Façade Improvement Program at 800 E. Douglas. (472-83606/766000/491-001) (District I) – Total Estimated Cost \$76,000.00
- dd) (Amended) - cost of Decel Lane on 21st north of the east 250 feet of Lot 1, Block 1 to serve Remington Place 2nd Addition (south of 21st Street North, east of Webb). (472-83679/765786/490-897) (District II) – Total Estimated Cost \$28,350.00
- ee) (Amended) - cost of Lateral 320, Four Mile Creek Sewer to serve Brentwood South Addition (north of Pawnee, east of Webb) (468-83354/743981/480-669) (District II) – Total Estimated Cost \$105,000.00
- ff) (Amended) - cost of Lateral 2, Main 13, Sanitary Sewer #23 to serve unplatted tracts (north of 45th Street North, east of Hydraulic). (468-83459/743942/480-630) (District I) – Total Estimated Cost \$3,150.00

Motion--carried

Mayans moved that the Preliminary Estimates be approved and filed. Motion carried 7 to 0.

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## DEEDS/EASMENTS

### DEEDS AND EASEMENTS:

a) Sanitary Sewer Easement dated December 16, 2003 from Entertainment Enterprises, Inc. for a tract of land located in the Southeast Quarter of Section 30, Township 27 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas (Lat 36, M1, CIS, OCA #744005). No cost to City.

Motion--carried

Mayans moved that the documents be accepted. Motion carried 7 to 0.

## COST STATEMENT

### STATEMENT OF COST:

a) (Amended) improving Water Distribution System to serve Mid-Continent Industrial Park I and Mid-Continent Industrial Park II (south of K-42 Highway, east of Maize Road). Total Cost - \$255,719.25 (plus idle fund interest - \$1,558.47 plus temporary note interest - \$2,450.28). Financing to be issued at this time - \$259,728.00. (735059/448-89673/470-729).

Motion--carried

Mayans moved that the Statement of Cost be approved. Motion carried 7 to 0.

## STREET CLOSURES

### CONSIDERATION OF STREET CLOSURES/USES.

There were no street closures submitted.

## PETITION

### PETITION TO RENOVATE BUILDING FAÇADE AT 101 SOUTH MARKET, SOUTH OF DOUGLAS, WEST OF MARKET. (DISTRICT I)

Agenda Report No. 03-1413

On March 20, 2001, the City Council approved a Facade Improvement Program designed to provide low-cost loans to enhance the visual aesthetics in the downtown area and provide an incentive for businesses to improve their property. Low interest, fifteen-year loans are provided owners of buildings with frontage on Douglas Avenue, between Seneca and Washington. Up to two facades can be improved with 25% of the cost up to \$30,000 in the form of a forgivable loan. High-rise buildings (more than three stories) are not limited to two facades, but do not receive the forgivable loan. The owner of a high-rise building located at 101 S. Market has submitted the required Petition. The signatures on the Petition represent 100% of the improvement district.

The building is currently occupied by a commercial real estate office. The proposed improvements include repairing exterior surfaces and installing new windows.

The estimated project cost is \$98,000, with the total paid by Special Assessments.

State Statutes provide the City Council authority to use Special Assessment funding for the projects. Approval of the Petition does not relieve the owner of requirements to obtain all necessary permits and reviews by applicable City Boards.

Motion--  
--carried

Mayans moved that the Petition be approved; the Resolution adopted; and the necessary signatures be authorized. Motion carried 7 to 0.

### RESOLUTION NO. 03-667

Resolution of findings of advisability and Resolution authorizing construction facade improvements at 101 South Market (south of Douglas, west of Market) 472-83932 in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.



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**NORTHROP  
GRUMMAN**

## **PROFESSIONAL SERVICES AGREEMENT WITH NORTHROP GRUMMAN E\* JUSTICE SUPPORT.**

Agenda Report No. 03-1396

E\*Justice, the current Public Safety System is utilized by the Wichita Police Department and Municipal Court as well as by cross jurisdictional agencies such as the District Attorney, the Drug Enforcement Agency, the Federal Bureau of Investigations and Sedgwick County. The City of Wichita moved to full production on E\*Justice in February of 2003, providing Police and Court Services and information to multiple agencies. The E\*Justice Project has now ended, and it is time to enter the E\*Justice support phase. The proposed services and support agreement with the software vendor will provide increased support from Northrup Grumman for the E\*Justice system. This support will provide application support, database administration, and system administration training.

Support will allow a number of hours of professional expertise to be used throughout the year. At this time, approximately 300 hundred hours of database reconciliation have been identified to separate names that have been collapsed together. In addition, a disaster recovery test needs to be performed and documented. As part of disaster preparedness, it is necessary to be able to fail-over the E\*Justice system to a backup system on very short notice. On-site support is needed to help detail the necessary steps and provide instantaneous support should a problem arise.

The Professional Services Agreement will provide an increased level of support above general maintenance for the E\*Justice system. This will allow improvements in customer service, provide better security and maintain data integrity, all of which will improve Public Safety for citizens of the City of Wichita.

This item has been considered and approved by the IT/IS Advisory Board on December 17, 2003.

The cost for a Professional Services agreement with NGC will be \$40,000. There is funding available in the IT/IS budget.

The vendor contract will be reviewed and approved as to legal form by the Department of Law.

Motion--  
-- carried

Mayans moved that the necessary funds transfers be approved and the necessary signatures be authorized. Motion carried 7 to 0.

**D.V. SERVICES**

## **CONTRACT FOR DOMESTIC VIOLENCE SERVICES.**

Agenda Report No. 03-1397

Since 1990, the City of Wichita has provided services to victims of domestic violence through a Victim Advocate Program. Kansas Legal Services, Inc., has been providing these services during the period from 1999 through 2003, but has notified the Purchasing Office that it will not be able to renew the contract expiring on December 31, 2003 without an increase in the compensation provided for there under.

Kansas Legal Services, Inc., would be willing to continue for an additional year the services of a paralegal who will work in the Victim Advocacy Program to assist in the coordination of advocacy services to domestic violence victims, provided the revised contract is approved. The expiring agreement provided compensation of \$27,000 per year, and a \$600 Public Safety access was provided from the Data Center Charges line of the Law Department Budget. There has been no adjustment in the contract price for the last five years. Prior to 1999, a different service provider operated the program for \$35,930 annually.

Funds in the amount of \$27,600 have been approved in the "Other Professional Services" and "Data Center Charges" lines of the Law Department Budget for purposes of paying for this program in 2004. The revised contract would increase compensation from \$27,000 to \$35,000, continue the \$600 Public

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Safety access, and add a \$480 Outlook access and \$1,296 to cover the monthly Data Center charges for a networked PC. (There is already an existing PC in the Department's Second Floor Offices, originally connected for a prosecutor position that has been eliminated due to budget cuts). Fund transfers would be needed to move \$8,000 into OL3 2599 ("Other Professional Services") and \$1,776 into OL3 2600 ("Data Center Charges") of the Law Department Budget to cover these costs.

Motion--  
--carried

Mayans moved that the contract with Kansas Legal Services, Inc., including any necessary fund transfers, be approved and the necessary signatures be authorized. Motion carried 7 to 0.

## VICTIM'S RIGHTS

### EXTENSION AND MODIFICATION OF CONTRACT: VICTIM'S RIGHTS SERVICE.

Agenda Report No. 03-1398

Kansas law requires that municipalities provide notice to crime victims of certain court proceedings in conformity with the Victim's Bill of Rights contained in the Kansas Constitution and statutes. The City of Wichita has adopted Resolution. No. R-93-327 to implement these notification requirements. The services to implement this resolution have been provided to the City of Wichita through a contract with Correctional Counseling of Kansas. A Request for Proposals was issued for this work. Correctional Counseling of Kansas submitted the only response. The contract contains an option to renew for one additional year.

Correctional Counseling of Kansas has provided services in the past and is willing to continue to provide the services on behalf of the city to comply with the Kansas Constitution.

Funds in the amount of \$32,450 have been approved in the Law Department Budget for purposes of paying for this program in 2004. The revised contract would increase compensation \$2,935, to \$35,385. Fund transfers would be needed to move that amount into OL3 2560 of the Law Department Budget to cover these costs.

Motion--  
-- carried

Mayans moved that the contract, budget transfer be approved and the necessary signatures be authorized. Motion carried 7 to 0.

## (Agenda Item 13) CITY ARTS

### CHANGE ORDER: CITY ARTS FACILITY. (DISTRICT VI)

Agenda Report No. 03-1399

On June 3, 2003, the City Council approved increasing the construction budget by \$110,000 for structural modifications to allow the addition of a roof top development in the future.

The new City Arts facility currently under construction was designed to be facility that encourages use by citizens for arts and cultural activities. It is centrally located in the Core Area and will be a visible, attractive structure easily accessible by all individuals. As the project has progressed certain features have been identified that were not originally included in the budget. These include security issues and exterior signage. In addition, no provision was made in the construction budget for the telecommunication system, and relocating and re-installing the glass kiln from its current location at City Arts.

To meet the current City Security Plan, Staff is now placing a stronger emphasis on building security in all new projects to ensure citizen safety and security concerns. Additionally, exterior modifications, which include definable signage along with exterior treatments, will complement the design of the building and are needed to complete the exterior of the structure. None of these adjustments (security, signage, telecommunications, and kiln relocation) were included in the original building construction plan, as approved by the Council.

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It is proposed to fund this Change Order #2 with available funding contained in the Enhanced Building Maintenance (EBM) fund. Equipment for the building will be funded through IT Replacement funds (\$91,481), and the kiln through G.O. funding (\$35,000).

A list of components that are required to complete the new City Arts project have been separated into two lists: (1) those that need to be provided by Change Order to the contract; and (2) those that would be provided directly by the City.

Change Order No. 2	\$ 131,495
Funding for Equipment	126,481
Total increase in the Project Budget	\$ 257,976

The Change Order amount equals the 10% limit set by City Council policy.

## Summary of Additions to City Arts Project

### Change Order #2

#### Exterior Architectural Features – West Wall

Revisions to match design previously presented to Council \$137,858

· Modify window wall and make small windows operable.

· Add cast stone base and metal cornice at top of wall

· Add building signage and entrance canopy

Interior Architectural Features 28,830

· Add office walls to allow use of existing furniture (\*)

· Add railing at 2nd floor opening to below

· Install solid folding panel classroom divider

IT/IS & Telecommunications Systems - minor rough-in 1,035

Plumbing – added water heater and hose bib 925

HVAC – Connect controls to central monitoring in City Hall 1,500

Building Security – Security system and modifications 7,520

Contingency reduce from \$81,127 to \$23,000 (58,127)

Changes as listed above \$119,541

Overhead & profit at 10% 11,954

Total Change Order #2 \$131,495

Funding from Enhanced Building Maintenance (131,495)

#### Equipment

IT/IS & Telecommunications Systems \$ 91,481

· Telephone System to compatible to City Hall system

· Wire building for telephone & data

· Wire building for computers & internet access

· Install building-wide paging and sound system

· Purchase and install security systems

Relocate- Re-install glass kiln and move critical equipment 35,000

Total Equipment Requirements \$126,481

Total IT Replacement Funds \$ 91,481

Total G.O. Funding 35,000

Funding from Enhanced Building Maintenance 131,495

Total Increased Spending Authorization \$257,97

(\*) Optional: Utilize modular furniture and reduce offices/walls

Council Member Fearey Council Member Fearey stated that if this does not get approved today it will impact the scheduling of the building.

Council Member Gray Council Member Gray stated that he has concerns with this project and is very troubled with the fact that they are saying that they are short 10% because they forgot something. This is not an oversight but a \$250,000 mistake and that all projects need to be dealt with more professionally. Stated that they

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need to get the cost up front on what the project is going to cost, present it and move on and if the private sector handled their businesses like this it would put them out of business.

- Mayor Mayans Mayor Mayans asked Council Member Gray if he would feel more comfortable with deferring this item.
- Council Member Martz Council Member Martz stated that the first change order came along in June and that he is bothered by the fact that six months later another change order is being presented for \$250,000.
- Council Member Lambke Council Member Lambke stated that he is also concerned with problems with the contractor and scheduling of the contract. Inquired if the Council should proceed with part of the project that needs to be addressed today because of scheduling issues.
- Mayor Mayans Mayor Mayans stated that the Council does not know what issues need to be addressed today and what can wait and that he is more comfortable with deferring the whole project to be addressed at a later time.
- Council Member Brewer Council Member Brewer stated that he would like to see the Council meet with these individuals and defer to another meeting.
- Council Member Fearey Council Member Fearey stated that she does not want this deferred for a long period of time and would have no problem deferring it until the next Council Meeting. Stated that she would like to request that the City Council Members meet with Staff to help determine how this funding can work.
- Motion--carried Fearey moved to defer this item to the January 6, 2004 Council Meeting. Motion carried 7 to 0.

## **WATER QUALITY**

### **WATER QUALITY FUNDING SUBSTITUTION.**

Agenda Item No. 03-1400

Expenses for the Department of Environmental Health Water Quality Program are approximately \$250,000 annually. These costs have been offset through a combination of fees for service and a Local Environmental Protection Program (LEPP) grant from the Kansas Department of Health and Environment (KDHE). Funding for the grant program is derived from a water protection fee assessed to all public water suppliers. The City of Wichita's Water Utility pays approximately \$600,000 annually to this program.

Subsequent to the reorganization of Wichita-Sedgwick County Department of Community Health (WSCDCH) in January of 2001, both the City and the County made application for the renewal of the LEPP grant. As a compromise, KDHE awarded the grant to the County with the understanding the County would subcontract with the City to continue providing this program. The grant was renewed to the County in July of this year for SFY 2004, with the continued understanding the City would subcontract provide the service. (A prior understanding with the County prior to the transfer of the Personal Health Services to the County was that all grant funds would continue to go to the jurisdiction providing the services).

To date, the City has not received any share of the LEPP grant from the County even though the grant funds have been received by Sedgwick County. The funds are being held by the County pending an agreement with the City with respect to providing water quality services in the county. An agreement has not yet been reached because of some of the terms/conditions being sought by County staff, which City staff feel are not in the City's best interests.

In January 2001, the City of Wichita and Sedgwick County separated their interests in the WSCDCH. For the decade prior and through that transition, the Sedgwick County Board of Health received the LEPP grant, and passed 100% of the grant money through to the City of Wichita Department of Environmental Health, the City's successor organization, that retained the majority of the Water Quality Section responsibilities. On July 7, 2003, Sedgwick County Staff stated it would provide the City of Wichita only 75% (or \$93,750) of the total grant award (\$125,000) in SFY 2004. The County further

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declared its intention to reduce subsequent grant allocations in cumulative yearly one-quarter increments, down to zero in SFY 2007. The County staff expects the City to continue the full level of services in the county in the face of these cuts.

Although requested, the County has offered no justification for the 25% cut this year and further additional and cumulative cuts in the future.

The City of Wichita's LEPP/water quality program costs approximately \$250,000. Without the payment (to the City) of the grant funds being held by the County, the City's budget will reflect a deficit in these program services. There is a current budget shortfall of at least \$100,000, which straddles the City's 2003 and 2004 fiscal years. The grant funded portion of the program included two full time Public Health Sanitarian positions. For the program to continue, expenses in excess of revenues generated from fees must be paid from the City's general fund accounts. The amount for the City's 2003 fiscal year is approximately \$50,000.

Unless this funding issue is resolved by the City Council, this will be a continuing and exacerbating financial problem. Sedgwick County informed the City of Wichita that there would be a stair-stepped reduction in its subcontract funding to the City for LEPP activities with the City of Wichita over the next four years. In SFY 2005, Sedgwick County expects to pass through 50% of the LEP grant program, in SFY 2006, the fund allocation will be 25%; and in SFY 2007 there will be no grant portion passed through at all.

The proposed contract from the County would require the City to give up any future claim for grant funding commensurate with the services it provides. The County has made clear its intention to require the City to provide the same level of service despite the reduction and ultimate elimination of grant funds. Lastly, the County would require reporting by the City of all program activities and income generated by the services rendered to third parties under the Water Quality program. The County has given no reason why City revenues from others are relevant to the services contract between the City and County. The logical conclusion is that the County intends to gain grant-funding credit, or potentially claim a direct interest in City efforts independent of the parties' direct contract.

Motion--

Mayans moved that the City Council take action to authorize the use of General Fund resources to temporarily offset the absence of LEPP grant support for the Water Quality Program pending receipt of such funds from the County; and that the City Council request the grant funding intended to support the City water quality program be provided in conjunction with the understanding, which prevailed before the transition of health services to the County. Motion carried 7 to 0.

--carried

## PROPERTY ACQ.

### PROPERTY ACQUISITION: ACQUISITION OF LAND. (DISTRICT V)

Agenda Report No. 03-1401

The City's Industrial Land task force identified the need for adequate size (80 to 100 acre) industrial tracts to attract business. These sites need to have utilities available and have convenient access to transportation. One of the prime locations identified was in proximity to Mid-Continent Airport. Because of geographic and regulatory barriers, there are few parcels of significant size in the area that are currently undeveloped. The Airport Master Plan recommends preservation and protection of land adjacent to the airport. The City has been advised that an approximately 100-acre parcel of land is available for sale. As part of the recommendations from the Industrial Land Task Force recommendations, the City Council authorized staff to negotiate a contract to purchase this tract.

The sale price was originally \$5,000,000, later lowered to \$4,000,000 (\$.93 per square foot). The seller has agreed to sell the property to the City for \$3,840,000 (\$.89 per square foot) and will spread the purchase price for the land over a four-year period. In lieu of cash payment in the first year, the owner will accept remnant land the City now owns of West Kellogg (north side) from Byron to Seville. The remnants, excluding streets, total about 211,000 square feet. The seller has agreed to reduce the sale price by \$1.0 million in consideration of this trade. The remainder of the tract will be acquired over three years in equal payments of \$946,666. The City will have the right to accelerate the future purchases. The buyer will pay the specials on each of the parcels during the purchase period. There will be interest charged on the outstanding balance at 0.75%, or the City may finance the purchase price.

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Funding for the property is proposed from the sale of temporary notes and repaid from sale and development of the property. A budget of \$2,950,000 is requested. This includes \$2,840,000 for acquisition, \$100,000 for interest and taxes, and \$10,000 for closing costs, surveys and title insurance.

Motion--  
--carried

Mayans moved that the budget, the real estate purchase contract; the bonding resolution be approved and the necessary signatures be authorized. Motion carried 7 to 0.

## RESOLUTION NO. 03-668

A Resolution allowing for the acquisition of land, presented. Mayans moved that the Petition be approved and the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

## CONVEN/VISITORS BUREAU

### CONTINGENCY FUND USE FOR: CONVENTION & VISITORS BUREAU.

Agenda Report No. 03-1402

In an effort to make it possible to bring different conventions and events to Wichita, the City Council initiated a "Convention Promotion Contingency" as part of the Tourism and Convention Fund in the annual budget. This allocation is funded from the transient guest tax. It is earmarked to fund special activities as deemed appropriate by the Greater Wichita Convention and Visitors Bureau to approach City Council for approval.

The Greater Wichita Convention & Visitors Bureau is requesting funds to help sponsor a variety of events that are outlined below. Also, the largest share of the money is connected to the Women's International Bowling Congress convention and tournament April 15 – July 6. This event is expected to bring in 65,000 women bowlers and an estimated economic impact of over \$22 million. This allocation will help fund various expenses in the contract agreement and will help ensure that these bowlers may return in a future year. The request is as follows:

American Bowling Congress	\$	5,000
Western Music Association	\$	1,500
Ad Valorem Taxation Conference	\$	1,500
Midwest Catholic Family Conference	\$	2,000
Jehovah Witness Congregation Conference	\$	2,000
Preferred Health Systems Open	\$	4,500
WIBC Tournament Expenses	\$	60,000
Total Contingency Fund Request	\$	76,500

Staff has worked with the GWCVB on this budget and feels that these expenses are necessary allocations for these events in Wichita. It is anticipated that these investments will be paid back through the transient guest tax fund and through their attendees spending money in the community at area retail, dining and entertainment facilities.

The 2004 Proposed Budget has \$100,000 in this fund. Therefore, there is enough money to grant these requests.

Motion--  
--carried

Mayans moved that the allocation from the contingency fund with the Convention and Tourism Bureau be approved and the necessary signatures be authorized. Motion carried 7 to 0.

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## **RENTAL HOUSING      RENTAL HOUSING LOW INTEREST REVOLVING LOAN PROGRAM-PROGRAM SINGLE/MULTI-UNIT.**

Agenda Report No. 03-1403

On March 4, 2003 the City Council approved the allocation of CDBG funds for Rental Housing Low Interest Revolving Loan Program (Single-Unit) program in the amount of \$40,000 and the Rental Housing Low Interest Revolving Loan Program (Multi-Unit) program in the amount of \$60,000. The program provides financial assistance to landlords to correct substandard conditions; make essential improvements; repair major systems in danger of failure; undertake energy-related repairs and make improvements necessary to provide access to the handicapped.

Funding for the Rental Housing Low Interest Revolving Loan Program (Single-Unit) has been committed and additional eligible applications have been received. The demand for Rental Housing Low Interest Revolving Loan Program (Multi-Unit) program has produced one application for \$18,000. The Department of Finance has prepared an amendment to the Memorandum of Understanding to transfer funds from the multi unit program to the single unit program to meet citizen demand.

The budget transfer will increase the Rental Housing Low Interest Revolving Loan Program (Single-Unit) program to \$80,000 and reduce the Rental Housing Low Interest Revolving Loan Program (Multi-Unit) program budget to \$20,000.

The City Council must approve budget transfers that are more than \$10,000.

Motion--carried      Mayans moved that the budget transfer be approved. Motion carried 7 to 0.

## **BUDGET ADJUST.      BUDGET ADJUSTMENTS (2003 YEAR-END).**

Agenda Report No. 03-1404

Final expenditures are being posted to the 2003 budgets. Budget adjustments are needed to accomplish fiscal year-end closing. Adjustments exceeding \$10,000 require City Council approval in accordance with the City's Administrative Regulations.

The predominant need for year-end budget adjustments is due to the payroll and vacation accrual adjustments that will be posted in January 2004. The first pay period in 2004 contains eight days from 2003 (twelve days for 24x7 operations with weekend schedules). Due to the timing of these year-end pay period dates, an accrual adjustment is required to accurately reflect all 2003 expenses within the 2003 fiscal period. In addition, to properly expense the liability of vacation accrual, adjustments are made annually (both positive and negative, depending on employee accrual rates and usage experience). And lastly, adjustments are needed for some unanticipated employment separation obligations.

In most cases, salary savings within the department (over and above planned savings) are sufficient to offset these extraordinary expenses, but not in all cases. The total accrual and leave adjustments are projected to be almost \$4.5 million. It is requested to authorize up to \$750,000 from the appropriated reserve (or within the departments' budgets, where possible) for the purpose of offsetting accrual expense in areas where a department would otherwise exceed the revised budget.

There are a few areas where adjustments are needed in addition to the accrual adjustment. In the Park Department, water charges in several new turf maintenance areas exceeded the budget, and due to a recent accounting reorganization, other regular and budgeted charges are not aligned with the approved budget authority. Budget authority and savings are available in other areas of the department to offset these charges; however Council authority is requested for adjusting line items in the Park Department for up to \$150,000 to facilitate these year-end close out issues.

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The Airport Custodial division has occasionally used City employees on overtime to maintain terminal cleanliness when it is more cost effective than using contracted temporary services. Up to \$15,000 of the temporary services budget authority needs to be transferred from contractals to personal services.

Fire Department personal services costs will be over budget in 2003. This is due to a reliance on overtime to maintain constant staffing, necessitated by vacancies. Staff has been developing strategies to ensure that overtime is controlled more effectively in the future. A budget adjustment from General Fund reserves of up to \$400,000 may be necessary. In addition, the Fire Department fleet budget totaling \$58,260 needs to be adjusted by a shift from heavy apparatus charged to fleet rental charges. Utilities (for firehouses) and fuel expenditures for fire apparatus have also been slightly higher than budgeted increasing due to fuel costs. Any adjustment of up to \$15,000 in each of these areas may be necessary, offset by other budgetary savings.

The Water & Sewer Department requires three budget adjustments to remain within budget for 2003. All three adjustments can be made within existing budget authority by utilizing savings in operations to fund the overages.

In Sewage Treatment, opening a new plant and managing extensive improvement projects on other plants, has increased personal services costs over budget by about \$60,000 (less than 2%).

Local economic circumstances and the activation of the new bad debt module in the billing system resulted in more collection notices being sent than anticipated. The additional notices generated extra costs for printing, postage and commissions to the collection agency. Through year-end, these extra costs are anticipated to total \$28,000. To accurately reflect prorated-shared costs from the Water Utility administrative functions (Water Administration, System Planning & Development and Customer Service divisions) in the Sewer Utility, the personal services budget needs to be increased by \$157,000. This budgetary increase is offset by decreasing budget authority in other line items. This is primarily an accounting adjustment the actual salaries have already been (or will be soon) expended in the Water Utility.

All three adjustments are within existing budget authority due to under-expenditures and savings in operating budget line items.

Because of under-expenditures in various accounts, funding for the above items is generally available within each of the authorized funds/budgets. Also, appropriated reserves have been maintained (within legal levels and according to sound financial management). Funds are available to meet the accrual (and other) needs without adverse consequence to resources needed for future programs/operations.

Compliance with State budget requirements have been met, since all budget adjustments are within funds, and the final 2003 expenditure totals--after the adjustments--will not exceed the legally adopted 2003 expenditure authorizations.

Motion--  
--carried

Mayans moved that the year-end budget adjustments to facilitate fiscal year-end closing be approved.  
Motion carried 7 to 0.

## RWD #5

### **RESOLUTION: PURCHASE OF RURAL WATER DISTRICT #5-BOND RESOLUTION.**

Agenda Report No. 03-1405

On December 16, 2003, City Council approved the purchase of water facilities in an area of Rural Water District #5. This area has been annexed by the City, as required by Kansas statute.

A Bonding Resolution was not included with the agenda report through an oversight.

The purchase will be made with utility cash. The goal of the utility is to finance approximately 70% of the Capital Improvement Project expenses by bonds. Bond financing will spread the cost over a 20-year period. Approval of the Resolution will allow the utility to reimburse its cash for CIP W-907 through a bond sale, should it decide to do so.

Motion--  
--carried

Mayans moved that the Resolution be adopted and the necessary signatures be authorized.  
Motion carried 7 to 0.



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## RESOLUTION NO. 03-669

A Resolution of the city of Wichita, Kansas, declaring it necessary to construct, reconstruct, alter, repair, improve, extend and enlarge the water and sewer utility owned and operated by the City, and to issue revenue bonds in a total principal amount which shall not exceed \$285,000 exclusive of the cost of interest on borrowed money, for the purpose of paying certain costs thereof, and providing for the giving of notice of such intention in the manner required by law, presented. Mayans moved that the Petition be approved and the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

## SECOND READING ORDINANCES: (FIRST READ DECEMBER 16, 2003)

- a) Franchise Agreement-City of Bel Aire treated wastewater facilities.

### ORDINANCE NO. 45-958

An Ordinance of the City of Wichita, Kansas, granting to the City of Bel Aire, Kansas, a franchise for the placement of facilities for treated wastewater; and prescribing the terms of said grant and relating thereto, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

- b) DR2003-26-“unified zoning code” to permit a “dental laboratory” as a home occupation and to add “warehousing” and “museums” to the list of uses contained in the off-street parking schedule and establish the minimum number of parking spaces required for these uses.

### ORDINANCE NO. 45-959

An Ordinance amending Section IV-E.5 dealing with home occupations of the Wichita-Sedgwick County Unified Zoning Code (April 19, 2001 Edition), as adopted by reference in the City of Wichita Code Section. 28.04.010 by Ordinance No. 44-975, by amending the type of uses permitted as a home occupation, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

- c) ZON 2003-00058- -generally located north of Central and west of Tyler, east of Waddington and ½ block south of Bekemeyer. (District V)

### ORDINANCE NO. 45-960

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans. ZON2003-00058

- d) (ZON 2003-46)- north side of 37th Street North, on the east side of Tyler Road. (District V)

### ORDINANCE NO. 45-961

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans. ZON2003-46

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e) A03-25 - generally located near the northwest corner of the intersection of 29th and Greenwich Road. (District II)

## ORDINANCE NO. 45-962

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans. A 03-25

## ORDINANCE NO. 45-964

An Ordinance amending Section 11.64.010 of the Code of the City of Wichita, Kansas, pertaining to leaving unattended vehicle and repealing the original of said section, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

## PLANNING AGENDA

Motion--carried

Mayans moved that the Planning Agenda be approved as presented. Motion carried 7 to 0.

SUB2003-61

## SUB2003-61-PLAT OF STRAW ADDITION, LOCATED NORTH OF 63RD STREET SOUTH AND THE WEST SIDE OF HYDRAULIC. (DISTRICT III)

Agenda Report No. 03-1406

This is an unplatted site consisting of 3 lots (2.44 acres) and is zoned "SF-5" Single-Family Residential District. This site is located within the City of Wichita city limits.

A Petition (100%) and a Certificate of Petition has been submitted for sewer improvements. A Restrictive Covenant has also been provided that permits cross-lot access with the abutting property to the south, if the subject property is redeveloped as a non-residential site.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

The Restrictive Covenant will be recorded with the Register of Deeds.

Motion--  
--carried

Mayans moved that the documents and plat be approved; the necessary signatures be authorized; and the Resolution adopted. Motion carried 7 to 0.

## RESOLUTION NO. 03-670

Resolution of findings of advisability and Resolution authorizing construction of Lateral 496, Southwest Interceptor Sewer, (west of Hydraulic, north of 63rd Street South) 468-83707, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

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## WEAVER TRACTS

### STREET IMPROVEMENT AGREEMENT FOR LOT SPLIT NO. SUB2003-143, PART OF LOT 1, WEAVER TRACTS ADDITION, LOCATED ON THE SOUTHEAST CORNER OF NINTH STREET AND SHERIDAN. (DISTRICT VI)

Agenda Report No. 03-1407

This No Protest Agreement is for the future paving of Sheridan Street.

The Lot Split will allow for the creation of an additional lot zoned "SF-5" Single-Family Residential District. This Agreement assures the City of Wichita that this property will be included in the improvement district for paving of Sheridan and that the owners have waived their right to protest said paving.

The No Protest Agreement will be recorded with the Register of Deeds.

Motion--  
--carried

Mayans moved that the Agreement be approved and the necessary signatures be authorized.  
Motion carried 7 to 0.

### AIRPORT AGENDA

Motion--carried

Mayans moved that the Airport Agenda, as presented, be approved. Motion carried 7 to 0.

Bailis Bell

Director of Airports reported that he has implemented free parking for the first half hour. Stated that this gives people an opportunity to use the airport on a short-term basis without a cost to them.

Mayor Mayans

Mayor Mayans thanked Mr. Bell and stated that this will be a good thing for the citizens.

## MIDWEST CORP.

### SUPPLEMENTAL AGREEMENT NO. 1, MIDWEST CORPORATE AVIATION, INC.

Agenda Report No. 03-1408

In 1984, Midwest Corporate Aviation (MCA) entered into a lease agreement with the Wichita Airport Authority for the construction of a 12,000 sq.ft. hangar facility located at 3510 Jabara Road on Jabara Airport. The lease term was for 18 years and five months, with two successive 10-year renewal options. During that time, MCA paid land rent to the Wichita Airport Authority. The agreement stipulates that during the two renewal options, the first of which commences May 1, 2003, that facility rent be paid at 50% of fair market rental value.

MCA has expressed an interest in exercising the first ten-year option. To determine facility rent, an appraisal was conducted by the Martens Companies and the Roger Turner Company.

The recommended rental rate for this facility, at 50% of fair market rental value, is \$10,000 per year. MCA will continue to be responsible, in entirety, for the maintenance of the facility.

Motion--  
--carried

Mayans moved that the Supplemental Agreement be approved and the necessary signatures be authorized. Motion carried 7 to 0.

## ROOF REPLACMNTS

### ROOF REPLACEMENTS, WICHITA MID-CONTINENT AIRPORT.

Agenda Report No. 03-1409

The 2004 Capital Improvements Program (CIP) provides for roof replacements.

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Roofs identified in the roof replacement program will be replaced at Mid-Continent Airport. One of the buildings will also have skylights replaced.

The project is estimated to cost \$335,000, which will be funded with General Obligation Bonds paid for with airport revenues.

Motion--  
--carried

Mayans moved that the project be approved; the Resolution be adopted; and the necessary signatures be authorized. Motion carried 7 to 0.

## RESOLUTION NO. A-03-017

A Resolution declaring that a public necessity exists for, and that the public safety, service and welfare will be advanced by, the authorization of certain capital improvements to the Wichita Mid-Continent Airport Facility; and setting forth the nature of said improvements; the estimated costs thereof; and the manner of payment of same, presented. Mayans moved that the Petition be approved and the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

## DEBT FINANCING

### **PUBLIC NOTICE OF INTENT TO USE DEBT FINANCING 4700 NORTH WEBB ROAD- CONDEMNATION.**

Agenda Report No. 03-1410

On December 2, 2003 the City Council authorized a condemnation award payment of \$1,256,111.00 for property located at 4700 North Webb Road owned by Robert R. Lee and Gina R. Lee. A notice of the intent to use debt financing was not included at that time.

It is necessary to declare that a public necessity exists for, and that the public safety, service and welfare will be advanced by, the authorization of certain capital improvements to the Colonel James Jabara Airport facility. Additionally, the nature of said improvements, the estimated costs thereof and the manner of payment needs to be disclosed.

Ninety percent of the purchase price for the acres impacted by runway protection, are eligible for funding through an FAA grant under the Airport Improvement Program. Interim financing and funding for the non-FAA eligible acres will be provided by General Obligation Bonds paid with airport revenue.

Motion--carried

Mayans moved that the Resolution be adopted. Motion carried 7 to 0.

## RESOLUTION NO. A-03-016

A Resolution declaring that a public necessity exists for, and that the public safety, service and welfare will be advanced by, the authorization of certain capital improvements to the colonel James Jabara Airport Facility; and setting forth the nature of said improvements; the estimated costs thereof; and the manner of payment of same, presented. Mayans moved that the Petition be approved and the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

## PROPERTY ACQ.

### **LAND ACQUISITION-WICHITA MID-CONTINENT.**

Agenda Report No. 03-1411

On August 19, 2003, the City Council approved the purchase of property located at 1425 South Ridge Road. The 2004 CIP allows for land acquisition expenses.

In order to make the corridor into Mid-Continent Airport more attractive and remove a possible wildlife habitat, it is necessary to demolish an abandoned building and remove debris from the site.

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The expenses will cost approximately \$150,000. The costs will be eligible for reimbursement under the Passenger Facility Charge program.

Motion--carried      Mayans moved that the additional budget be approved. Motion carried 7 to 0.

## **BUDGET ADJUST.      BUDGET ADJUSTMENT.**

Agenda Report 03-1412

On April 1, 2004, Wichita Mid-Continent Airport will celebrate 50 years of commercial airline service to central Kansas and northern Oklahoma.

It is deemed appropriate for Wichita Mid-Continent Airport to announce its continued good service and to remind all of its customers of its 50th birthday.

Authorize \$50,000 to be supplied by Airport funds.

Motion--carried      Mayans moved that the budget increase and the project concept be approved. Motion carried 7 to 0.

## **EXECUT. SESSION      EXECUTIVE SESSION**

Motion--      Mayans moved that the City Council recess into Executive Session to consider consultation with legal counsel on matters privileged in the attorney-client relationship relating to: Pending litigation, potential litigation, legal advice, contract negotiations, and preliminary discussions relating to the acquisition of real property for public purposes and that the Council return from Executive Session no earlier than 1:30 p.m. and reconvene in the City Council Chambers. Motion carried 7 to 0.

--carried

Reconvene      The Council reconvened back into the Council Chambers at 1:30 p.m.

Mayor Mayans reported that there was no action taken during the Executive Session.

## **ADJOURNMENT**

Motion--carried      Mayans moved to adjourn from Executive Session. Motion carried 7 to 0.

Motion--carried      Mayans moved to adjourn from the Regular Meeting at 1:35 p.m. Motion carried 7 to 0.

Karen Schofield  
City Clerk